

Rivera, Jose

Subject: New Maritime Transportation Terminal
Location: R2PR-Rm-7156-10p.Reef/R2-CFO

Start: Mon 3/4/2019 2:00 PM
End: Mon 3/4/2019 3:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Rivera, Jose
Required Attendees: sqrgroup sqrgroup; perezmara@gmail.com
Resources: R2PR-Rm-7156-10p.Reef/R2-CFO

Saludos,

Thanks very much for the opportunity to meet at the EPA offices in Guaynabo, and to continue the dialogue about the construction of the terminal.

I look forward to a productive meeting.

José A. Rivera, BSCE
Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
Servicing Puerto Rico and the U.S. Virgin Islands

Rivera, Jose

From: sqrgroup sqrgroup <sqrgroup@gmail.com>
Sent: Wednesday, February 27, 2019 5:20 PM
To: Rivera, Jose
Subject: Re: [SPAM-Sender] Re: Inspections Report No.2

El correo electrónico d ella es:
perezmara@gmail.com

Sent from my iPhone

On Feb 27, 2019, at 4:28 PM, Rivera, Jose <Rivera.Jose@epa.gov> wrote:

Saludos,

Con mucho gusto nos podemos reunir. Les agradezco me envíe el correo electrónico de la nueva directora para enviarle una invitación.

Buenas tardes.

From: sqrgroup sqrgroup <sqrgroup@gmail.com>
Sent: Wednesday, February 27, 2019 4:25 PM
To: Rivera, Jose <Rivera.Jose@epa.gov>
Subject: Re: [SPAM-Sender] Re: Inspections Report No.2

Buenas Tarde

Acabo d terminar una reunión con la nueva directora de ATM,me pide q si nos podemos reunir el próximo lunes con usted a las 2pm,en su oficina,queríamos saber si es posible y usted está disponible

Gracias Anticipadas

Sent from my iPhone

On Feb 25, 2019, at 3:11 PM, Rivera, Jose <Rivera.Jose@epa.gov> wrote:

Muchas gracias por su email. Voy a estar en mi oficina el miércoles, jueves y hasta el mediodía del viernes. Sin embargo, puedo hacer arreglos para participar el viernes en la tarde.

Gracias por sus gestiones y buenas tardes.

José A. Rivera, BSCE | Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
US EPA Region 2 | Caribbean Environmental Protection Division
Direct Dial: (787) 977-5842
Main: (787) 977-5865
e-mail: rivera.jose@epa.gov

From: sqrgroup sqrgroup <sqrgroup@gmail.com>
Sent: Monday, February 25, 2019 11:18 AM
To: Rivera, Jose <Rivera.Jose@epa.gov>
Subject: [SPAM-Sender] Re: Inspections Report No.2

Buenos Días

Me informó el Ing Esteves que hiciera gestiones para coordinar reunión con nueva directora d ATM, para informarle que ya hice comunicación con su oficina y estamos en espera d fecha y hora que debe ser para esta misma semana, le mantendré informado

Buen Día

Sent from my iPhone

On Feb 20, 2019, at 1:00 PM, Rivera, Jose <Rivera.Jose@epa.gov> wrote:

Recibido. Buen día!

José A. Rivera, BSCE | Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
US EPA Region 2 | Caribbean Environmental Protection Division
Direct Dial: (787) 977-5842
Main: (787) 977-5865
e-mail: rivera.jose@epa.gov

City View Plaza II | Suite 7000
48 RD. 165, Km. 1.2
Guaynabo, Puerto Rico 00968-8069

EPA Office Hours: 9:00 am to 5:30 pm (Tuesday to Friday)
Alternate Work Location: 9:00 am to 5:30 pm (Every Monday)

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From: sqrgroup sqrgroup <sqrgroup@gmail.com>
Sent: Friday, February 15, 2019 2:23 PM
To: Rivera, Jose <Rivera.Jose@epa.gov>; Juan M. Maldonado De Jesus <jumaldonado@dtop.pr.gov>; sqrgroup sqrgroup <sqrgroup@gmail.com>
Subject: Inspections Report No.2

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SQR Architects & Engineers
Tel. (787) 925-1535 Tel. (787) 925-1545
email: sqrgroup@gmail.com

Rivera, Jose

From: Rivera, Jose
Sent: Wednesday, January 30, 2019 9:53 AM
To: sqrgroup sqrgroup; 'Juan M. Maldonado De Jesus'
Cc: 'Leysie Y. Calderón Andino'
Subject: New Maritime Transport Terminal - Administrative Compliance Order

Dear Mr. Rosario and Mr. Maldonado,

First of all, hope this message finds you well, wishing a successful 2019. I am in receipt of several emails and letters concerning the subject matter, which were submitted during my absence to the office due to the Federal Government partial shutdown.

In response to your request to confer with EPA regarding the Order, I am available to meet at EPA's office in Guaynabo, PR, on Tuesday, February 5th, and Wednesday, February 6th, 2019. Please let me know your availability.

Regards,

José A. Rivera, BSCE | Team Leader
Clean Water Act Team
Multimedia Permits and Compliance Branch
US EPA Region 2 | Caribbean Environmental Protection Division
Direct Dial: (787) 977-5842
Main: (787) 977-5865
e-mail: rivera.jose@epa.gov

Rivera, Jose

From: sqrgroup sqrgroup <sqrgroup@gmail.com>
Sent: Tuesday, January 08, 2019 1:54 PM
To: Rivera, Jose; Sanchez, Aileen; Maria Gonzalez; Eng. Winston R. Esteves
Subject: EPA Administrative Compliance Order

Good Afternoon Mr. Rivera:

As per Paragraph 52 of Section V (General Provision) of the Administrative Compliance Order dated December 19, 2018 (the ACO), Docket Number CWA-02-2019-3103, SQR Architects & Engineers Consulting, P.S.C. I request the opportunity to confer with you regarding the status of compliance with the ordered provisions in Section V of the ACO and related matters.

To schedule the meeting please call me at (787) 613-0043 or send e-mail to sqrgroup@gmail.com

Nelson Rosario

SQR Architects & Engineers

Tel. (787) 925-1535 Tel. (787) 925-1545

email: sqrgroup@gmail.com

Rivera, Jose

From: sqrgroup sqrgroup <sqrgroup@gmail.com>
Sent: Friday, December 21, 2018 1:14 PM
To: Sanchez, Aileen; Rivera, Jose; sqrgroup sqrgroup
Subject: Fwd:
Attachments: TERMINAL - COMPLAINE ORDER AND LETTER TO SQR ARCHITECTS AND ENGINEERS.pdf

----- Forwarded message -----

From: **sqrgroup sqrgroup** <sqrgroup@gmail.com>
Date: vie., 21 dic. 2018 a las 13:11
Subject:
To: Rivera, Jose <rivera.jose@epa.gov>, sqrgroup sqrgroup <sqrgroup@gmail.com>, Gilbert López Díaz <lopezguiven@gmail.com>

Attached The sign Administrative Compliance Order, Docket Number CWA-02-2019-3103, that EPA issued against the Puerto Rico Maritime Transport Authority and the Municipal Islands and SQR Architects and Engineers concerning the construction of the reference terminal in Ceiba, Puerto Rico.

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SQR Architects & Engineers
Tel. (787) 925-1535 Tel. (787) 925-1545
email: sqrgroup@gmail.com

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SQR Architects & Engineers
Tel. (787) 925-1535 Tel. (787) 925-1545
email: sqrgroup@gmail.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
Caribbean Environmental Protection Division
City View Plaza II, #48 Carr 165 Ste 7000
Guaynabo, Puerto Rico 00968-8073

DEC 19 2018

Certified Mail – Return Receipt Requested

Mr. Nelson Rosario
Operations Manager
SQR Architects & Engineers Consulting, P.S.C.
Calle Bolivar #67
San Juan, Puerto Rico 00917

**Re: New Maritime Transportation Terminal
Administrative Compliance Order
Docket Number CWA-02-2019-3103**

Dear Mr. Rosario:

The United States Environmental Protection Agency ("EPA"), Region 2, has made findings that the Puerto Rico Maritime Transport Authority and the Municipal Islands and SQR Architects & Engineers Consulting, P.S.C. ("SQR") are in violation of Section 301(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1251 *et seq.* Enclosed please find two originals of the Administrative Compliance Order ("Order"), Docket Number CWA-02-2019-3103, issued pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a). Please acknowledge receipt in one of the originals of the Order and return it to EPA.

Failure to comply with the enclosed Order may subject SQR to civil and/or criminal penalties pursuant to Section 309 of the CWA. Failure to comply with this Order may also subject SQR to ineligibility for participation in work associated with Federal contracts, grants, or loans.

If you have any questions regarding this matter, please contact Mr. José A. Rivera, Team Leader, Clean Water Act Team, at (787) 977-5842 or rivera.jose@epa.gov.

Sincerely,

Carmen R. Guerrero Pérez
Director
Caribbean Environmental Protection Division

Enclosures

cc: Ángel Meléndez, EQB (via email w/ attachment)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of:

**PUERTO RICO MARITIME TRANSPORT AUTHORITY
AND THE MUNICIPAL ISLANDS**

P. O. 41118
San Juan, Puerto Rico 00940

and

SQR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.
Calle Bolivar #67
San Juan, Puerto Rico 00917

RESPONDENTS

NEW MARITIME TRANSPORTATION TERMINAL
Dock 2, Forestal Drive
Former Roosevelt Roads Naval Base
Ceiba, Puerto Rico 00735

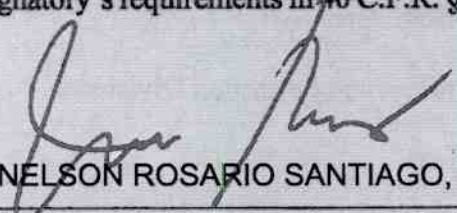
Proceeding pursuant to Section 309(a) of the Clean Water Act, 33
U.S.C. § 1319(a).

**ADMINISTRATIVE
COMPLIANCE
ORDER**

**DOCKET NUMBER
CWA-02-2019-3103**

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I do hereby acknowledge the receipt of a true copy of the Order CWA-02-2019-3103. Pursuant to the signatory's requirements in 40 C.F.R. § 122.22, I certify that I am authorized to sign this acknowledgment.


NELSON ROSARIO SANTIAGO, SQR

Print Name and Title

12/21/2018

Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of:

**PUERTO RICO MARITIME TRANSPORT AUTHORITY
AND THE MUNICIPAL ISLANDS**

P. O. 41118

San Juan, Puerto Rico 00940

and

SQR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.

Calle Bolivar #67

San Juan, Puerto Rico 00917

RESPONDENTS

NEW MARITIME TRANSPORTATION TERMINAL

Dock 2, Forestal Drive

Former Roosevelt Roads Naval Base

Ceiba, Puerto Rico 00735

Proceeding pursuant to Section 309(a) of the Clean Water Act, 33
U.S.C. § 1319(a).

**ADMINISTRATIVE
COMPLIANCE
ORDER**

**DOCKET NUMBER
CWA-02-2019-3103**

I. STATUTORY AUTHORITY

1. This Administrative Compliance Order (the "Order") is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") pursuant to Section 309(a) of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. §1319(a).
2. The Administrator has delegated the authority to take these actions to the Regional Administrator of Region 2, who in turn, has delegated such authority to the Director of the Caribbean Environmental Protection Division.
3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), provides in part that "[e]xcept as in compliance with [CWA § 402], the discharge of any pollutant by any person shall be unlawful."
4. Section 402 of the Act, 33 U.S.C. § 1342, defines the National Pollutant Discharge Elimination System ("NPDES") as the national program for, among other things, issuing and enforcing permits.

5. Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1), provides that “the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant.... upon condition that such discharge will meet.... such requirements as the Administrator determines are necessary to carry out the provisions of the [CWA].”
6. Section 402(p)(2)(B) of the Act, 33 U.S.C. § 1342(p)(2)(B), requires a NPDES permit with respect to a storm water discharge associated with industrial activity.
7. Section 402 of the Act authorizes the Administrator to promulgate regulations for the implementation of the NPDES program.
8. Pursuant to 40 C.F.R. § 122.1(b)(1), the NPDES program requires permits for the discharge of pollutants from any point source into waters of the United States.
9. Pursuant to 40 C.F.R. §§ 122.26(a)(1)(ii), storm water discharges associated with industrial activity shall be required to obtain a NPDES permit.
10. Pursuant to 40 C.F.R. § 122.26(b)(14)(x), construction activity (including clearing, grading and excavation) is considered a category engaging in industrial activity.
11. The Act and its implementing NPDES regulations provide definitions and requirements:
 - a. “discharge of a pollutant” means any addition of any pollutant or combination of pollutants to navigable waters from any point source. Section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2;
 - b. “facility” means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to the regulations of the NPDES program. 40 C.F.R. § 122.2;
 - c. “navigable waters” means the waters of the United States, including the territorial seas. Section 502(7) of the Act, 33 U.S.C. § 1362(7);
 - d. “owner” or “operator” means the owner or operator of any facility or activity subject to regulation under the NPDES program. 40 C.F.R. § 122.2;
 - e. “person” means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body. Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2;
 - f. “pollutant” means, among others, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water. Section 502(6) of the Act, 33 U.S.C. § 1362(6), and 40 C.F.R. § 122.2;

- g. "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2; and
 - h. "waters of the United States" means all waters such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, among others, and their tributaries. 40 C.F.R. § 122.2;
12. On January 19, 2017, EPA re-issued the NPDES General Permit for Discharges from Construction Activities" ("2017 CGP"). 82 Fed. Reg. 6534 (Jan. 19, 2017). The 2017 CGP became effective on February 16, 2017 and expires on February 16, 2022.
13. The 2017 CGP defines the following terms as follows:
- a. "commencement of construction activities" as the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site);
 - b. "construction activities" as earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are: sediment; nutrients; heavy metals; pesticides and herbicides; oil and grease; bacteria and viruses; trash, debris, and solids; treatment polymers; and any other toxic chemicals;
 - c. "discharge-related activity" as activities that cause, contribute to, or result in stormwater and allowable non-storm water point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged;
 - d. "earth-disturbing activity" as actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils;
 - e. "new site" as a site where construction activities commenced on or after February 16, 2017; and
 - f. "operator" as any party associated with a construction project that meets either of the following two criteria:

- i. the party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 - ii. the party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.
14. Part 1.4 of the 2017 CGP requires all operators associated with a construction site seeking 2017 CGP coverage, who meet the eligibility requirements in Part 1.1 of the 2017 CGP, to submit to EPA a complete and accurate electronic Notice of Intent ("NOI") prior to commencing construction activities.
15. Parts 1.4.1 and 7 of the 2017 CGP require operators associated with a construction site to develop a Stormwater Pollution Prevention Plan ("SWPPP") before submitting a NOI for coverage under the 2017 CGP.
16. Part 1.4.3 and Table 1 of the 2017 CGP requires operators of new site to submit a NOI for 2017 CGP coverage at least fourteen (14) calendar days before commencing construction activities.
17. Section 308(a)(A) of the Act provides that "[w]henever required to carry out the objectives of . . . [CWA Section 402] the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as [the Administrator] may reasonably require."
18. Section 309(a)(3) of the Act provides that "[w]henever on the basis of any information available . . . the Administrator finds that any person is in violation of [CWA Sections 301 and 308], or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under [Section 402 of the Act, the Administrator] shall issue an order requiring such person to comply with such section...."
19. Section 309(a)(5)(A) of the Act provides that "[a]ny order issued under [CWA Section 309] shall state with reasonable specificity the nature of the violation and shall specify a time for compliance . . . taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements."
20. EPA is the agency within the Commonwealth of Puerto Rico with authority to administer the federal NPDES program. EPA maintains enforcement authority for violations of the Act and its implementing regulations under Section 309 of the Act.

II. FACTUAL FINDINGS

21. Puerto Rico Maritime Transport Authority and the Municipal Islands (the "Authority") is a public corporation organized under the laws of the Commonwealth of Puerto Rico.
22. Among others, the Authority provides maritime transportation service for cargo and passengers between the main island of Puerto Rico and the municipalities of Vieques and Culebra.
23. The Authority's Board of Directors, through Resolution 2018-02, decided to enable a new maritime transportation terminal in dock 2 at the Former Roosevelt Roads Naval Base, Forestal Drive, Ceiba, Puerto Rico (the "Terminal" or "Project").
24. On or about July 18, 2018, the Authority contracted SQR Architects and Engineers Consulting, P.S.C. ("SQR") to perform construction activities at the Terminal.
25. On September 17-18, 2018, EPA performed a NPDES Stormwater Inspection (the "1st Inspection") of the Project.
26. The findings of the 1st Inspection were included in an Inspection Report, dated October 9, 2018.
27. During the 1st Inspection, EPA observed the following:
 - a. soil exposed to precipitation without stabilization;
 - b. boundaries of the Project without any perimeter controls, flow management controls, and erosion and sediment controls;
 - c. soil piles without any sediment control measures;
 - * d. construction waste material without pollution prevention practices; and
 - e. two storm sewer inlets connected to two stormwater outfalls located at the dock area of the Terminal, which discharges into the Caribbean Sea.
28. On November 6, 2018, EPA performed a second NPDES Stormwater Inspection (the "2nd Inspection") of the Project.
29. The findings of the 2nd Inspection were included in an Inspection Report, dated November 28, 2018.
30. During the 2nd Inspection, EPA observed the following:
 - a. construction waste material without pollution prevention practices;

- b. catch basins without adequate storm drain inlet protection;
 - c. 55-gallon drums of petroleum products placed over the ground surface without secondary containment and exposed to stormwater; and
 - d. Terminal exit points without sediment track-out controls.
31. The Authority and SQR meet the definition of operator included in the 2017 CGP and 40 C.F.R. § 122.2.
32. At the time of the 1st Inspection and 2nd Inspection, the Authority and SQR (together hereinafter referred as "Respondents") had not obtained NPDES permit coverage for the stormwater discharges associated with construction activity from the Project into waters of the United States.

III. CONCLUSIONS OF LAW AND FINDINGS OF VIOLATIONS

33. Respondents are subject to the provisions of the Act, 33 U.S.C. § 1251, *et seq.*, and the applicable NPDES permit application regulations found at 40 C.F.R. Part 122.
34. The Authority is a "person" as defined under Section 502(5) of the Act, 33 U.S.C. § 1362(5).
35. SQR is a "person" as defined under Section 502(5) of the Act, 33 U.S.C. § 1362(5).
36. Sediments from construction activities at the Project are "pollutants" as defined under Section 502(6) of the Act, 33 U.S.C. § 1362(6), and 40 C.F.R. § 122.2.
37. The Project is a "point source" as defined under Section 502(14) of the Act, 33 U.S.C. § 1362(14).
38. Respondents discharged and continue to discharge stormwater containing "pollutants" from the Project into the Caribbean Sea.
39. The Caribbean Sea is a water of the United States as defined under Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2.
40. Respondents' discharges of stormwater containing pollutants into waters of the United States without a NPDES permit constitute a violation of Section 301 of the Act, 33 U.S.C. § 1311, and the applicable NPDES regulations; therefore, Respondents are subject to an enforcement action under Section 309 of the Act, 33 U.S.C. § 1319.

IV. ORDERED PROVISIONS

In consideration of the Findings of Fact and Conclusions of Law above, EPA has determined compliance with the following ordered provisions is consistent with the authority in Section 309 of the CWA, 33 U.S.C. § 1319.

IT IS HEREBY ORDERED:

41. That within five (5) calendar days upon receipt of the originals of this ORDER, the Respondents shall complete the acknowledgment of receipt on one of the originals of the Order and return said original to the Team Leader, Clean Water Act Team, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division, EPA, Region 2, to the address specified below.
42. That immediately upon receipt of this Order, in conformance with Section 301(a) of the Act, Respondents shall not discharge storm water runoff from the construction activities at the Project into the Caribbean Sea, except with authorization under the provisions of the 2017 CGP or other NPDES permit for which Respondent applied for and obtained coverage.
43. In order to bring the Project into compliance with Section 301 of the Act, while Respondents obtain coverage under an NPDES permit, Respondents shall, at a minimum, implement the following measures:
 - a. temporary stabilization to areas where clearing, grading and excavation activities had temporarily ceased;
 - b. final stabilization to areas where clearing, grading and excavation activities will no longer be performed;
 - c. perimeter controls, erosion and sediment controls, and Best Management Practices (BMPs);
 - d. storm water run-on management from flows coming from outside properties into the Project;
 - e. cleaning of the stormwater collection and discharge system;
 - f. sediment track-out controls;
 - g. pollution prevention controls;
 - h. dust controls;
 - i. maintenance and replacement, where required, of the existing and future BMPs; and

- j. installation and maintenance of sediment and erosion controls required by the Puerto Rico Department of Natural and Environmental Resources (former Environmental Quality Board), provided Respondents submit to EPA a written notification no later than five (5) calendar days before the commencement of such activity. Such notification shall include a description and itinerary of implementation of the activities to be undertaken.
44. **That within fifteen (15) calendar days upon receipt of the originals of this ORDER,** Respondents shall develop and submit to EPA for review, a SWPPP for the Project.
45. **That within thirty (30) calendar days upon receipt of the originals of this ORDER,** Respondents shall certify in writing to EPA that Respondents complied with the ordered provisions in paragraph 43, above.
46. **Until Termination of this Order,** Respondents shall jointly perform site inspections at the Project and document the site inspections following the requirements in Part 4 of the 2017 CGP.
47. **Until Termination of this Order,** Respondents shall jointly take corrective actions to address any triggering conditions identified at the Project and document such corrective actions following the requirements in Part 5 of the 2017 CGP.
48. **Until Termination of this Order,** Respondents shall jointly submit Monthly Progress Reports that, at a minimum, describe the status and progress of Respondents' actions taken to comply with the provisions of this Order. Respondents shall submit each Monthly Progress Report to EPA no later than the fifteenth (15th) day of the month following the month subject to the reporting period.

V. GENERAL PROVISIONS

49. Any questions concerning this Order should be directed to José A. Rivera, Team Leader, Clean Water Act Team, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division, at (787) 977-5842 / rivera.jose@epa.gov. For information about the stormwater program, Respondents may review EPA's web site at "<http://water.epa.gov/polwaste/npdes/stormwater/>."
50. Any documents to be submitted by Respondents as part of this Order shall be hand-delivered or sent by certified mail or its equivalent, or via electronic mail, and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

51. All documents required to be submitted under this Order shall be sent to the following addresses:

Director, Water Quality Area
Puerto Rico Department of Natural and Environmental Resources (former
Environmental Quality Board)
P. O. Box 11488
San Juan, Puerto Rico 00910,

and

Team Leader, Clean Water Act Team
Multimedia Permits and Compliance Branch
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
48 RD. 165 Km. 1.2
Guaynabo, Puerto Rico 00968-8069.

52. Respondents shall have the opportunity, for a period of twenty (20) days from the effective date of this Order, to confer, regarding the requested information and the ordered provisions, with the following designated Agency representative: José A. Rivera, Team Leader, Clean Water Act Team, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division at (787) 977-5865 or (787) 977-5842 / rivera.jose@epa.gov.
53. Respondents have the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, provides the grounds for such review.
54. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed

an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the Act.

55. Notice is hereby given that should EPA commence an action in a United States District Court for a violation of any Ordered Provision of this Order, Respondent may be subject to: (1) civil penalties up to \$53,484 per day for each day of violation that occurred after November 2, 2015, pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d); and/or (2) injunctive relief, pursuant to Section 309(b) of the Act, 33 U.S.C. § 1319(b), as imposed by the Court.
56. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
57. This Order shall become effective upon the date of execution by the Director, Caribbean Environmental Protection Division.

Dated: DECEMBER 19 / 2018

Signed: _____



CARMEN R. GUERRERO-PÉREZ

Director

Caribbean Environmental Protection Division

Environmental Protection Agency, Region 2

Rivera, Jose

From: Juan M. Maldonado De Jesus <jumaldonado@dtop.pr.gov>
Sent: Friday, December 21, 2018 1:49 PM
To: Rivera, Jose; sqrgroup sqrgroup
Cc: Maclay, Yolianne
Subject: RE: Inspection Report - Construction of New Maritime Transportation Terminal
Attachments: 201812211401.pdf

Dear Mr. Rivera:

Attached please find as ordered the acknowledgement of receipt. Given that we are entering the Christmas Holiday period, we hereby avail of the 20 days to confer with you and your staff in regards to the subject administrative compliance order. Please be advice that we will be out of the office until January 2, 2019.

Wishing you Happy Holidays,

Juan M. Maldonado de Jesús, Esq.

Deputy Secretary of Transportation
Executive Director MTA
T: 787-722-2929 x.2374/3374
PO Box 42007
San Juan, PR 00940-2007



GOBIERNO DE PUERTO RICO
Autoridad de Carreteras y Transportación

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From: Rivera, Jose <Rivera.Jose@epa.gov>
Sent: Wednesday, December 19, 2018 7:36 PM
To: Juan M. Maldonado De Jesus <jumaldonado@dtop.pr.gov>; sqrgroup sqrgroup <sqrgroup@gmail.com>
Cc: Maclay, Yolianne <Maclay.Yolianne@epa.gov>
Subject: Inspection Report - Construction of New Maritime Transportation Terminal

Gentlemen,

Attached please find a copy of the inspection report and cover letter concerning the construction of the reference terminal in Ceiba, Puerto Rico. The original documents were sent via United States Postal Service.

I will appreciate if you acknowledge receipt of this email. Please contact the undersigned if you have any questions.

Cordially,

José A. Rivera, BSCE | Team Leader

Clean Water Act Team

Multimedia Permits and Compliance Branch

US EPA Region 2 | Caribbean Environmental Protection Division

Direct Dial: (787) 977-5842

Main: (787) 977-5865

e-mail: rivera.jose@epa.gov

City View Plaza II | Suite 7000

48 RD. 165, Km. 1.2

Guaynabo, Puerto Rico 00968-8069

EPA Office Hours: 9:00 am to 5:30 pm (Tuesday to Friday)

Alternate Work Location: 9:00 am to 5:30 pm (Every Monday)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

PUERTO RICO MARITIME TRANSPORT AUTHORITY
AND THE MUNICIPAL ISLANDS
P. O. 41118
San Juan, Puerto Rico 00940

and

SOR ARCHITECTS & ENGINEERS CONSULTING, P.S.C.
Calle Bolivar #67
San Juan, Puerto Rico 00917

RESPONDENTS

NEW MARITIME TRANSPORTATION TERMINAL
Dock 2, Forestal Drive
Former Roosevelt Roads Naval Base
Cabo, Puerto Rico 00735

Proceeding pursuant to Section 309(a) of the Clean Water Act, 33
U.S.C. § 1319(a).

ADMINISTRATIVE
COMPLIANCE
ORDER

DOCKET NUMBER
CWA-02-2019-3103

ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER

I do hereby acknowledge the receipt of a true copy of the Order CWA-02-2019-3103. Pursuant to the
signatory's requirements in 40 C.F.R. § 122.22, I certify that I am authorized to sign this acknowledgment.

Print Name and Title

Date

Spaldon

21/12/18